

**MINUTES
VILLAGE OF LAKE PARK COUNCIL MEETING
3801 LAKE PARK ROAD, LAKE PARK, NC
REGULAR SESSION**

7:00 P.M.

NOVEMBER 12, 2013

ATTENDING: Mayor Kendall Spence
Council Members: David Cleveland, Sandy Coughlin, Mark Phillips and John Barnes.
Finance Officer – Cheryl Bennett
Village Clerk/Tax Collector – Cheri Clark
Attorney Ken Swain

CALL TO ORDER: Mayor Kendall Spence called the Village of Lake Park November Regular Session Council Meeting to order.

PLEDGE OF ALLEGIANCE: Mayor Kendall Spence led the Pledge of Allegiance.

APPROVAL OF MINUTES: Mark Phillips made the motion to approve the October 8, 2013 Regular Session Council Meeting minutes. John Barnes seconded the motion. Vote – Unanimous.

PUBLIC COMMENT: David Cleveland thanked Sean Lowther for supplying the sound system that we are testing this evening. Please provide feedback after the meeting.

CHANGES TO THE AGENDA: Sandy Coughlin made the motion to adopt the agenda as presented. John Barnes seconded the motion. Vote – Unanimous.

SECURITY REPORT: There were 12 alarm calls during the month of October. There were a total of 132 calls in Lake Park during the month of October. There were 14 - 911 hang ups or misdials, 4 improperly parked vehicles, 0 property damage vandalism mischief calls, 4 animal lost stray unwanted or bites, 2 trespassing calls and 6 traffic stops.

Mark Phillips requested that Deputy Haywood check the cul-de-sacs for parking violations. He has received several calls concerning parking in the cul-de-sacs especially on Mayhurst.

Council received an email from Rob Bowlin expressing concern for the new four way stop at Balsam and Creft. The design of the intersection as a four way stop with on-street parking creates a blind spot in which you have to creep into the intersection to see if there is oncoming traffic. A possible solution would be to eliminate one parking spot on each corner of Creft. Mayor Kendall Spence stated that the Village will be doing road assessments over the next three months and we will review the intersection. Mayor Kendall Spence expressed concerns about the possible loss of parking spaces on Creft Circle.

Council received an email from Bob Wilkinson concerning a parking issue on Sages. The Village has issued multiple parking citations; however, the behavior has not stopped nor have the citations been paid. Mayor Kendall Spence stated that he would reach out to the offender and see if we can rectify the situation.

Cheri Clark shared that there is a black Infinity SUV with rear flat tires and no tag parked on Creft that has been there for two months. Several citations have been issued to the owner. The Village of Lake Park will be notifying the owner that the vehicle is being towed at the owner's expense.

VACANT COUNCIL POSITION: Mayor Kendall Spence stated that there were four applicants for the open Council position. In order to be eligible to fill the position, the candidate must be a registered voter in Union County. Two of the candidates were not registered to vote in Union County therefore there are two eligible candidates – Fabian Szarko and Christopher Yeager.

David Cleveland shared that there are two ways to fill the vacancy on the Council. The Council can either use the motion/vote method in which a Council person makes a motion and then the Council votes or Council can use the nomination/ballot method in which all the potential candidates are placed on the ballot and each Council person fills out their ballot and gives it to the Clerk to tally the votes. The Mayor is not allowed to vote in the event of a tie. David Cleveland made the motion to use the nomination/ballot method with the vote being announced by the Clerk. The new Council member will take his oath of office on December 10th along with the other elected officials. Sandy Coughlin seconded the vote. Vote – Unanimous. With a three to one vote, Fabian Szarko will fill the open Council seat effective December 10, 2013. David Cleveland, Sandy Coughlin and Mark Phillips voted for Fabian Szarko. John Barnes voted for Christopher Yeager.

Sandy Coughlin thanked Christopher Yeager for his interest in serving and stated that she is looking forward to having Christopher Yeager involved in other serving opportunities within the Village such as EDC and Planning Board.

UNIFIED DEVELOPMENT ORDINANCE (UDO): Mark Phillips shared that the Planning Board met on October 15th and discussed food trucks and carts, produce stands and yard sales. The Planning Board will meet November 19th at 7 p.m. and Benchmark Consultant Vagn Hansen plans to attend the meeting.

FINANCE OFFICER'S MONTHLY REPORT: Cheryl Bennett stated that Mike Burns has finished the annual audit and the net result for 2012 – 2013 fiscal year is that the Village was \$87,375 revenues over expenditure. Most of the overage was due to Powell Bill funds; however, the Village did not use any of the fund balance that we had appropriated.

The finance list has been discussing rental space refundable security deposits and how state auditors consider holding the refundable security deposit instead of depositing the funds and refunding them a violation of the state statutes. Based upon the advice of the School of Government, Cheryl Bennett recommended that we start depositing the refundable security

deposit when it is received and then the Village will issue a refund within two weeks after the event. Council does not need to approve refunds since they are not taxes.

	<u>Oct 13</u>	<u>Jul - Oct 13</u>	<u>YTD Budget</u>	<u>% of Budget</u>
General Fund				
Income				
Property Taxes				
Ad valorem current year	73,540.68	125,542.84	535,510.00	23.44%
Utility ad valorem	0.00	0.00	7,800.00	0.0%
Motor vehicle tax	5,057.95	13,791.38	53,878.00	25.6%
Ad valorem prior years	0.00	0.00	2,000.00	0.0%
Prior years motor vehicle tax	528.89	3,326.79		
Penalties and interest	102.19	405.79	1,202.00	33.76%
Total Property Taxes	<u>79,229.71</u>	<u>143,066.80</u>	600,390.00	23.83%
Other Taxes				
Stormwater Fees- current year	5,620.00	11,235.00	43,130.00	26.05%
Cable franchise-from Time Warner	0.00	0.00	2,800.00	0.0%
Total Other Taxes	<u>5,620.00</u>	<u>11,235.00</u>	45,930.00	24.46%
State Shared Revenues				
Sales and use tax	13,276.43	15,582.70	150,000.00	10.39%
Telecom. Franchise	0.00	509.00	2,400.00	21.21%
Elec. franchise tax	0.00	-331.98	70,000.00	-0.47%
Video Prog. (Cable from State)	0.00	168.57	20,850.00	0.81%
Piped Gas	0.00	410.00	8,500.00	4.82%
Solid Waste Disposal Tax	0.00	318.05	2,400.00	13.25%
Total State Shared Revenues	<u>13,276.43</u>	<u>16,656.34</u>	254,150.00	6.55%
Parks & Recreation Revenue				
Program Fees	22.00	652.25	1,700.00	38.37%
Facility Rentals	355.00	2,365.00	3,000.00	78.83%
Daily swim fees	0.00	4,906.00	8,000.00	61.33%
Season pass pool fees	0.00	780.00	48,000.00	1.63%
Total Parks & Recreation Revenue	<u>377.00</u>	<u>8,703.25</u>	60,700.00	14.34%
Other revenues				
Commercial Waste Coll. Extras	0.00	300.00	1,800.00	16.67%
Approp. Fund Balance	0.00	0.00	92,461.00	0.0%
Civil Penalties	0.00	30.00	600.00	5.0%
Investment revenue	0.00	169.78	9,000.00	1.89%
Miscellaneous	110.00	160.00	1,000.00	16.0%

Total Other revenues	<u>110.00</u>	<u>659.78</u>	<u>104,861.00</u>	<u>0.63%</u>
	98,613.1	180,321.1	1,066,031.0	
Total Income	<u>4</u>	<u>7</u>	<u>0</u>	<u>16.92%</u>
Gross Profit	<u>4</u>	<u>7</u>	<u>0</u>	<u>16.92%</u>
Expense				
General Government				
Other Expenditures				
Economic Development	25.00	342.92	5,000.00	6.86%
Contingency	0.00	0.00	10,000.00	0.0%
Stormwater Expense				
Advertising	0.00	0.00	100.00	0.0%
Dues and Permits	175.00	175.00	1,100.00	15.91%
Prof. Fees - Engineering	0.00	122.50	10,000.00	1.23%
Repairs & Maint. Services	0.00	2,891.93	28,930.00	10.0%
Cap.Outlay- Pet Waste Stations	<u>0.00</u>	<u>0.00</u>	<u>3,000.00</u>	<u>0.0%</u>
Total Stormwater Expense	<u>175.00</u>	<u>3,189.43</u>	<u>43,130.00</u>	<u>7.4%</u>
Total Other Expenditures	200.00	3,532.35	58,130.00	6.08%
Planning and Zoning				
Zoning Admin. Services	900.00	3,600.00	10,000.00	36.0%
Code Enforcement Services	0.00	0.00	10,000.00	0.0%
Consulting Fees	0.00	0.00	2,000.00	0.0%
Legal Services	0.00	0.00	3,500.00	0.0%
Advertising	0.00	0.00	200.00	0.0%
Postage	0.00	8.15	300.00	2.72%
Supplies	47.24	333.93	1,000.00	33.39%
Training	<u>0.00</u>	<u>0.00</u>	<u>500.00</u>	<u>0.0%</u>
Total Planning and Zoning	947.24	3,942.08	27,500.00	14.34%
Gen. Govt. Personal Services				
Adm Assistant	0.00	430.00	500.00	86.0%
Clerk/Tax Collector	4,850.00	19,400.00	58,200.00	33.33%
Council	0.00	2,788.33	11,950.00	23.33%
Finance Officer	1,256.67	5,026.68	15,080.00	33.33%
Mayor	0.00	1,085.00	4,340.00	25.0%
Payroll Expenses	<u>578.01</u>	<u>2,515.25</u>	<u>6,835.00</u>	<u>36.8%</u>
Total Gen. Govt. Personal Services	6,684.68	31,245.26	96,905.00	32.24%
Professional Fees				
Auditing Services	0.00	0.00	5,000.00	0.0%

Legal Services	3,227.00	3,227.00	15,000.00	21.51%
Total Professional Fees	3,227.00	3,227.00	20,000.00	16.14%
Supplies and Materials				
Office	54.56	594.73	3,300.00	18.02%
Total Supplies and Materials	54.56	594.73	3,300.00	18.02%
Services				
Advertising	0.00	0.00	200.00	0.0%
Membership and dues	0.00	3,886.00	4,036.00	96.28%
Bank charges	66.66	295.38	800.00	36.92%
Elections	0.00	0.00	3,710.00	0.0%
Insurance/bonds	0.00	7,641.74	7,650.00	99.89%
Miscellaneous oper. exp.	0.00	0.00	400.00	0.0%
Newsletter/website/flyers	129.12	194.12	750.00	25.88%
Printing & Delivery Newsletter	110.00	440.00	2,600.00	16.92%
Postage	0.00	12.12	500.00	2.42%
Tax collection	75.43	980.66	1,808.00	54.24%
Telephone	234.90	997.46	3,000.00	33.25%
Training	0.00	0.00	800.00	0.0%
Travel	148.07	261.38	1,200.00	21.78%
Total Services	764.18	14,708.86	27,454.00	53.58%
Capital Outlay				
Reserve for Capital Replacement	0.00	0.00	10,000.00	0.0%
Total Capital Outlay	0.00	0.00	10,000.00	0.0%
Total General Government	11,877.66	57,250.28	243,289.00	23.53%
Parks & Recreation				
Parks/Rec. Supplies & Materials				
Janitorial /Cleaning Supplies	0.00	0.00	500.00	0.0%
Food/Provisions - events	0.00	461.75	2,260.00	20.43%
NNO Food/Supplies	0.00	729.82	0.00	100.0%
Pool Supplies	0.00	0.00	3,000.00	0.0%
Total Parks/Rec. Supplies & Materials	0.00	1,191.57	5,760.00	20.69%
Parks/Rec Services				
Pool Attendant Salaries	0.00	0.00	750.00	0.0%
Water/Sewer	120.30	816.04	4,400.00	18.55%
Natural Gas	26.56	108.97	1,000.00	10.9%
Comm. center maintenance	22.00	1,487.94	12,400.00	12.0%

Pool management fee	0.00	12,142.50	48,570.00	25.0%
Pool Operations	0.00	264.46	11,100.00	2.38%
Seasonal Decorations	0.00	1,500.00	12,200.00	12.3%
Events Services	0.00	140.00	140.00	100.0%
Total Parks/Rec Services	168.86	16,459.91	90,560.00	18.18%
Maintenance of Common Areas				
Landscaping	10,525.00	42,100.00	140,700.00	29.92%
Park maintenance	250.00	5,715.30	35,750.00	15.99%
Pond maintenance	0.00	4,643.00	43,380.00	10.7%
Electric Maintenance	150.00	3,399.97	5,000.00	68.0%
Repairs of Common Areas	125.97	1,360.64	2,000.00	68.03%
Total Maintenance of Common Areas	11,050.97	57,218.91	226,830.00	25.23%
Parks/Rec Capital Outlay				
Council chambers video system	0.00	0.00	4,000.00	0.0%
Reserve for pool re-plastering	0.00	0.00	20,000.00	0.0%
Benches, Tables etc.	0.00	0.00	4,000.00	0.0%
Security System/Camera System	0.00	0.00	4,000.00	0.0%
Total Parks/Rec Capital Outlay	0.00	0.00	32,000.00	0.0%
Total Parks & Recreation	11,219.83	74,870.39	355,150.00	21.08%
Public Services/Safety				
Electric bills	5,721.91	31,947.83	103,000.00	31.02%
Street Signs	272.00	727.00	2,000.00	36.35%
Waste Collection	16,384.00	50,052.00	203,000.00	24.66%
Law enforcement	39,898.00	79,796.00	159,592.00	50.0%
Total Public Services/Safety	62,275.91	162,522.83	467,592.00	34.76%
Total Expense	85,373.40	294,643.50	1,066,031.00	27.64%
Net General Fund	13,239.74	114,322.33	0.00	100.0%
Powell Bill				
Interest - Powell Funds	26.92	49.45	100.00	49.45%
Powell Bill Revenue	47,766.90	47,766.90	90,000.00	53.07%
Total PB Income	47,793.82	47,816.35	90,100.00	53.07%

Powell Bill Expense				
Street Exp. - Powell Bill	0.00	1,064.00	90,100.00	1.18%
Total PB Expense	0.00	1,064.00	90,100.00	1.18%
Net Powell Bill				
	47,793.8			
	2	46,752.35	0.00	100.0%
Net Excess of Rev. over Exp.				
	61,033.5	-67,569.98	0.00	100.0%

DEBT SET OFF PROGRAM: Last month Council discussed the Debt Set off Program and how it would not cost the VOLP to participate in the program; however it will cost money to have access to Social Security numbers through a private company such as LexisNexis. After checking with Union County and several municipalities, they all use LexisNexis. The cost of basic service with LexisNexis is \$600 a year. The contract is an annual commitment with an onsite visit to our location. If Council would like to participate in the Debt Set off program in order to collect any past due taxes and delinquent citations, we need to adopt the NC Local Government Debt Setoff Program Resolution, enter into a contractual agreement with LexisNexis and select someone to hold hearings and conduct necessary proceedings. This person in most jurisdictions is the Finance Officer. A debt must be more than 60 days past due in order to qualify for the Debt Set off program. The delinquent account will receive a letter giving them 30 days to pay the debt or to appeal the debt before being turned over for collection to the NC Department of Revenue.

David Cleveland asked Cheryl Bennett if she would be receptive to holding the hearings if someone wanted to dispute the claim. Cheryl Bennett stated that she would be willing to do the job. Sandy Coughlin made a motion for the VOLP to participate in the NC Local Government Debt Setoff Program and that the \$600 fee for the verification of Social Security numbers comes from the general office account. Mark Phillips seconded the motion. Vote – Unanimous. Sandy Coughlin made the motion to approve the NC Local Government Debt Set off Program with the Village of Lake Park as the local agency, Cheryl Bennett being the person to hold hearings and conduct necessary proceedings and being adopted the 12th day of November 2013. David Cleveland seconded the motion. Vote – Unanimous.

PARK AND RECREATION BUSINESS: David Cleveland shared that the 8th Annual Chili Cook-off was a great success. Fifty Five residents tasted varieties of chili prepared by the nine contestants. The competition was very close with the following winners:

First Place: Jean Elnajjar's "Jean's French Twist Chili"
 Second Place: Terry McBroom's "Chili Con Corny"
 Third Place: Margaret Phillips's Duck Dynasty Chili"

He thanked all the participants, and also gave a special thanks to Wayne Daniels and Cathy MacArthur on the Park & Recreation Commission for organizing the event.

The sidewalks around Sages Pond have been repaired. Two more sections were added at an additional cost of \$750. The sidewalk extension from Russell Park to the Creft Circle sidewalk has also been completed.

Mike Wienecke's contract for Christmas tree lighting was increased by \$440 in order to provide additional lights along the Sages Pond wall. Judy Taul suggested decorating a Veterans Tree for Veterans Park.

Common Heart has confirmed the date of February 22, 2014 for their "Love in Motion 5K Run/Walk" in Lake Park from 9:00 AM to 11:00 AM. David Cleveland made a motion to approve the closure of Meeting Street from 8:00 AM to 11:00 AM on that date. Sandy Coughlin seconded the motion. Vote – Unanimous.

Lucas Landscaping has replenished hardwood mulch throughout the Village and has planted the fall flowers. David Cleveland made a motion to spend up to \$2500 for Lucas Landscaping to plant new and replacement shrubs and trees in the Village Common Areas. This would come out of the Park Maintenance budget. Sandy Coughlin seconded the motion. Vote – Unanimous.

Cheryl Bennett has completed the 2013 Swimming Pool Operating Report. Total revenues for the period were \$55,771. Total expenses were \$89,998 including \$21,800 for major repairs to the decking and coping. With depreciation costs of \$17,391, the total cost for the pools came to \$51,618. David Cleveland stated that there are a couple of outstanding pool expenses for coping repairs on the main pool and Virginia Graham Baker drain compliances.

The Christmas Tree lighting will be Sunday, December 8th from 5:30 PM to 6:30 PM in the Gazebo Park. The Salvation Army Brass Band and Faith United Methodist Church will be participating in the service. The tree will be lit by our Home Town Heroes, Greg & Lisa Crosby. On that same day the Garden Club will hold their Holiday Home Tour from 2:00 PM to 5:00 PM, and the HOA will be sponsoring Carriage Rides at the Community Center from 6:00 PM to 8:00 PM.

Mark Phillips expressed his concerns about the HOA Fall Festival. The No Parking around Russell Park was not enforced, the security force was very young and basically ineffective, dogs were on leashes; however, the children walking the dogs were too small to control the animals and the food vendors were too far away from the exhibits.

POWELL BILL: Mayor Kendall Spence shared the results of the Eagle Engineering Pavement Condition Survey for the 14.5 miles of streets maintained by the VOLP. The report highlighted potholes that need to be addressed now and provided a priority for resurfacing the roads in the Village.

PUBLIC SERVICES (Waste Collection & Street Lighting): Sandy Coughlin shared that the EDC has requested Covenant Waste's assistance in the cleanup of the dumpster areas at the Town Center.

ECONOMIC DEVELOPMENT: Sandy Coughlin shared that Skeeter's Bakery opened for business on November 2, 2013.

COMMUNICATION: The deadline for articles and information for the November newsletter is Friday, November 15th at 5 p.m. Topics to be included: Fabian Szarko appointment to Council, Chili Cook-off, Parking, Changes to the Community Center refundable security deposits, Christmas Tree lighting, Election results and Property Taxes.

COUNCIL COMMENTS: Mark Phillips congratulated the newly elected Council members.

Sandy Coughlin mentioned the two day training session for newly elected Council members and the benefits to the training.

David Cleveland congratulated Fabian Szarko and stated that he looks forward to working with Fabian. David Cleveland also thanked Christopher Yeager for his interest in serving the Village of Lake Park and shared that there will be two openings in July on the Planning Board along with many other opportunities to serve.

Mayor Kendall Spence thanked Christopher Yeager for his interest in serving and congratulated Fabian Szarko on his appointment to Council.

ADJOURN: Sandy Coughlin made the motion to adjourn the meeting. John Barnes seconded the motion. Vote – Unanimous.

Respectfully submitted,

Mayor Kendall Spence

Village Clerk, Cheri Clark